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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/650,118	08/28/2000	JHEROEN P. DORENBOSCH	PF2054NA	9447	
20280 7590 01/22/2004 MOTOROLA INC 600 NORTH US HIGHWAY 45 LIBERTYVILLE, IL 60048-5343			EXAM	EXAMINER	
		D AGOSTA, STEPHEN M			
			ART UNIT	PAPER NUMBER	
	·		2683	9	
		DATE MAILED: 01/22/2004	4		

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No.  Op/650,118  DORENBOSCH ET AL.  DORENBOSCH ET AL.  DORENBOSCH ET AL.  Art Unit  Stephen M. D'Agosta  2683  2683  AS HORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  THE MALINKO DATE OF this communication appears on the cover sheet with the correspondence address  Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  THE MALINKO DATE OF THIS COMMUNICATION.  Editination of the major be available under the provisions of 37 CFR 1.136(a). In or event, however, may a reply be timely filed where XIV (algorithms from the major and in the period for reply specified above is like than thirty (30), asys, a reply white the datahory minerum of thirty (30) deay, with be considered ferrod for reply specified above is like than their mortifies after the mailing date of its communication.  Failure to reply specified above is like than their mortifies after the mailing date of this communication, sever if timely field, may reduce any standard plantic management.  Failure to reply whith the set or cleared period for reply specified above is like the number another.  Failure to reply with the set or cleared period for reply with by statules, cause the application is become ADANDOWED 19 US 0. 6, 1331.  Any reply reproduced by 40 of City 1.10 of City 1						
Examiner   Stephen M. D'Agosta   2683	Office Action Summary		Application No.	Applicant(s)		
Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE of this communication appears on the cover sheet with the correspondence address → Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  If the period for reply seporate decide devore is sea than thirty (50) days, a reply within the statutory minimum of thing (30) days will be considered timely.  If the period for reply seporate documents that the communication.  If the period for reply seporate documents are the mailing date of this communication.  If the period for reply seporate documents are the mailing date of this communication.  If the period for reply seporate documents are the mailing date of this communication, even if timely filed, may reduce any seamed patient time adjustments. Set 3 (7FR 17-046).  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any seamed patient time adjustments. Set 3 (7FR 17-046).  Status  Status  Status  Status  This action is FINAL.  2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Queyle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1,3-11 and 13-18 is/are rejected.  7) Claim(s) is/are allowed.  6) Claim(s) is/are allowed.  6) Claim(s) is/are allowed.  6) Claim(s) is/are objected to by the Examiner.  10) The drawing(s) filed on is/are explication to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The cath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. §§ 119 and 120  12) Acknowledgment is made of a claim for foreign priority under 35 U			09/650,118	DORENBOSCH ET AL.		
The MALING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions or time may be evaluated under the procession of 32 CFR 1.154(a), in no event, however, may a reply be timely fixed after 30 (6) MONTHS from the maining date of this communication of the process of t			Examiner	Art Unit		
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - Exercisions of their may be available under the provisions of 37 CFR 1.35(a). In no event, however, may a reply be timely filed  - Exercisions of their may be available under the provisions of 37 CFR 1.35(a). In no event, however, may a reply be timely filed  - Exercisions of their may be available under the provisions of 37 CFR 1.35(a). In no event, however, may a reply be timely filed  - If NO period for reply is specified above, the maximum statutory period will apply and the statutory minimum of thinty (30) days will be considered timely.  - If NO period for reply is specified above, the maximum statutory period will apply and the statutory minimum of their (30) days will be considered timely.  - If NO period for reply is specified above, the maximum statutory period will apply and the specified above. The maximum statutory period will apply and the specified above. The maximum statutory period will apply and the specified for reply filed. The specified above. The maximum statutory are due to the communication, even if timely filed. They reduce any seamed patient term adjustment. See 37 CFR 1.704(b).  Status  1) □ Responsive to communication(s) filed on 19 December 2003.  2a) □ This action is FINAL.  2b) □ This action is non-final.  3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) □ Claim(s) 1.3-11 and 13-18 is/are pending in the application.  4a) Of the above claim(s) is/are allowed.  - Claim(s) 1.3-11 and 13-18 is/are rejected.  - This expecification is objected to by the Examiner.  - Claim(s) 1.3-11 and 13-18 is/are rejected to 20 claim (s) 1.3-11 and 13-18 is/are rejected to 20 claim (s) 1.3-11 and 13-18 is/are rejected to 20 claim (s) 1.3-11 and 13-18 is/are rejected to 20 claim (s) 1.3-11 and 13-18 is/are			, ,			
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Art Unit: 2683

### **DETAILED ACTION**

## Response to Arguments

Applicant's arguments with respect to claim 1, 3-11 and 13-18 have been considered but are most in view of the new ground(s) of rejection.

## Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

<u>Claims 1, 3-11 and 13-18</u> rejected under 35 U.S.C. 103(a) as being unpatentable over Davidson et al. US 6,408,182 and further in view of Iseyama US 6,192,232 (hereafter Davidson and Iseyama).

Regarding **claim 1**, Davidson teaches a communication system (figure 2) with a main system component [abstract; col.1, lines 44-67; col.2, lines 135] and a backup wireless communication services comprising a main system component (primary MSC) that normally serves all of the plurality of the communication devices and a backup system component [backup MSC] that in response to the main system component going out of service operates to a database including subscription information of the at least one first communication device and the at least one second device,

Obtaining subscription information from the database for a particular communication device needing service (Abstract teaches "subscriber information being downloaded from the HLR to a VLR in the backup MSC" which reads on a database that includes subscription information for a plurality of devices),

Davidson **fails to teach** a plurality of communication devices that include at least one first communication device subscribed to a first class or service and at least one second communication device subscribed to a second class of service and Providing

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service to the particular device needing service if the subscription information indicates that the particular communication device subscribes to the first class of service

Terminating service to the device needing service if the subscription information indicates that the particular communication device subscribes to a second class of service.

However, Iseyama teaches a plurality of communication devices that include at least one first communication device subscribed to a first class or service and at least one second communication device subscribed to a second class of service [col.1, lines 53-67; col.2, lines 1-15; col.3,lines 11-25]. The combination of Davidson's subscriber information download and Iseyama's classes of service provides for one skilled in the art to determine which class(es) of service would be supported while others have service dropped due to the network failure [ref. Iseyama col.1, lines 44-57; col.3, lines 49-65].

Therefore it would have been obvious to a person of ordinary skill in the art at the time that the invention was made to include the teachings of Davidson with Iseyama in order to efficiently provide a cost-effective uninterrupted backup wireless communication system with a first class service and a second class service.

Regarding **claims 3 and 13**, Davidson teaches a communication system or method wherein the first class of service has a higher service priority relative to the second class of service [col.2, lines 59-66; col.3, lines 20-23].

Regarding **claim 4**, Iseyama teaches a communication system wherein the first class of service [1 st base station] corresponds to an emergency service and the second class of service [2"d base station] corresponds to a non-emergency service [abstract; col.3, lines 11-25; col.4, lines 28-43] 11.

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Regarding **claims 5 and 14**, Davidson teaches a communication system or method wherein the main system component [primary MSC] is a main base station and the backup system component [alternate MSC] is a backup base station [col.1,lines 4467; col.2, lines 1-35].

Regarding **claims 6 and 15**, Davidson teaches a communication system or method wherein the backup system component has a lower capacity than the main system component [col.3, lines 20-34; col.4, lines 34-50; col.5, lines 24-53]

Regarding **claims 7 and 16**, Davidson teaches a communication system or method wherein the backup system has a higher reliability than the main system component [col.2, lines 19-35; col.4, lines 34-65].

Regarding **claim 8**, Davidson teaches a communication system wherein information about the class of service for each communication device is stored in the system [col.3, lines 20-67; col.4, lines 1-15].

Regarding **claim 9**, Davidson teaches a communication system wherein the at least one communication device informs the system relative to a subscribed class of service [col.3, lines 20-67; col.4, lines 1-15].

Regarding **claim 10**, Davidson teaches a method for providing wireless communication services to a plurality of communication devices comprising normally serving all of the plurality of the communication devices using a main system component [primary MSC and backup MSC] ((Abstract teaches "subscriber information being downloaded from the HLR to a VLR in the backup MSC" which reads on a database that includes subscription information for a plurality of devices), col.1, lines 44-67; col.2, lines 135; col.3, lines 49-65).

Davidson **fails to teach** a plurality of communication devices include at least one first communication device subscribed to a first class of service and at least one second

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communication device subscribed to a second class of service and <u>Providing service to</u>
a particular device by a backup component in response to the main component going
out of service, if the subscription information indicates that the particular communication
device subscribes to the first class of service

Terminating service to the device in response to the main system component going out of service, if the subscription information indicates that the particular communication device subscribes to a second class of service.

However, Iseyama teaches a plurality of communication devices include at least one first communication device subscribed to a first class of service and at least one second communication device subscribed to a second class of service [col.1, lines 5367; col.2, lines 1-15; col.3,lines 11-25]. The combination of Davidson's subscriber information download and Iseyama's classes of service provides for one skilled in the art to determine which class(es) of service would be supported while others have service dropped due to the network failure [ref. Iseyama col.1, lines 44-57; col.3, lines 49-65].

Therefore it would have been obvious to a person of ordinary skill in the art at the time that the invention was made to include the teachings of Davidson with Iseyama in order to efficiently provide a cost-effective uninterrupted backup wireless communication system with a first class service and a second class service.

Regarding **claim 11**, Davidson teaches the method wherein the backup system component [backup MSC] only serves the at least one first communication device subscribed to the first class of service, when the main system component [primary MSC] goes out of service [col.1, lines 44-57; col.3, lines 49-65].

Regarding NEW CLAIMS **17-18**, Davidson teaches claim 1/10 wherein the plurality of communication devices, the at least one first and second devices are mobile communication devices (figure 1 shows a cellular/mobile telephone network and is disclosed in C1, L5 to C2, L36).

#### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. D'Agosta whose telephone number is 703-306-5426. The examiner can normally be reached on M-F, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Trost can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

SMD 1-7-04

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